

From: Richard L. Bolton [<mailto:rbolton@boardmanclark.com>]
Sent: Thursday, May 04, 2017 8:48 AM
To: Mackin, Anna <Anna.Mackin@oag.texas.gov>
Cc: Dan Byrne <DByrne@fbhg.law>; Reed, Cherie <Cherie.Reed@oag.texas.gov>; Clopton, Jodie <Jodie.Clopton@oag.texas.gov>
Subject: RE: RE:

Anna: I should not rush to judgment, but I anticipate that we will not "agree that this course of action makes the most sense for everyone involved." We will certainly give careful consideration to your communication.

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-----Original Message-----

From: Mackin, Anna [<mailto:Anna.Mackin@oag.texas.gov>]
Sent: Thursday, May 04, 2017 8:32 AM
To: Richard L. Bolton
Cc: Dan Byrne; Reed, Cherie; Clopton, Jodie
Subject: RE:

Rich,

We want to continue working with you in good faith. But unfortunately, we cannot put up a 30(b)(6) witness on May 15.

First, that date is impossible for the Governor's Office. The Governor's staff is buried in work for the legislative session. They can neither identify a witness nor prepare him or her by May 15th. The earliest conceivable date available is in July. If you'd like to discuss July dates, we are open and amenable to your suggestions.

Second, the scope of the 30(b)(6) notice is unduly broad. For example, many of your topics concern the Office of the Attorney General. If you'd like to engage in a meet-and-confer on the depo topics while we're discussing dates, we are also open and amenable to that.

Third, if the Defendants prevail on their current legal challenges (including in particular the Governor's motion for qualified immunity), it is not clear that any of the topics will be necessary. So in our view, the most efficient path forward is to first ask the Court for a ruling on the outstanding legal issues. That would serve both of our interests because it would resolve any remaining uncertainties about the scope of relevant fact disputes. And, of course, if the Defendants lose their legal challenges, we would consent to an extension of the discovery period at that time.

We hope you agree that this course of action makes the most sense for everyone involved.

Thanks,
Anna

-----Original Message-----

From: Richard L. Bolton [<mailto:rbolton@boardmanclark.com>]

Sent: Tuesday, May 02, 2017 10:47 PM

To: Mackin, Anna <Anna.Mackin@oag.texas.gov>

Cc: Dan Byrne <DByrne@fbhg.law>

Subject:

Anna: Is the date for 30(b)(6) a go? What about location? Thanks. Rich

Sent from my iPhone